

1 Schumacher. I'm going to ask you to skip over those
2 and go to the next one from Coral Cadillac, and
3 that's at page 18.

4 A Okay.

5 Q Now, this December 22nd repair visit, do
6 you know what this was scheduled in response to?

7 A Well, we got the brake pads in and he was
8 still complaining about a vibration between 45 and
9 55.

10 Q And do you know whether or not GM
11 scheduled this as part of its inspection and repair
12 opportunity in response to a notice from Mr. Kody
13 under the Lemon Law?

14 A I believe it possibly was because there's
15 no other one that was here.

16 Q And were you involved in that repair
17 visit?

18 A Yes.

19 Q Can you tell the jury what you did and
20 what you found?

21 A Well, we didn't find anything really with
22 the shake. It's -- I don't know if any of you drive
23 pickup trucks, but if you go on down a road like
24 Federal Highway or an uneven road, you get about 45,
25 you get a little waddle in the street. Pretty
0558

1 common. I believe every truck -- my truck does it
2 when I drive on an uneven road. We call it rail
3 shake. So, that's how we closed it out. No
4 problem, found it's a normal condition of an SUV.

5 We did put the brake pads on it. And he
6 was still complaining of a rough idle and we didn't
7 do anything. We just -- actually I think at that
8 time I could be -- I could be incorrect because I
9 don't know if Jorge was involved with me or not at
10 this time, but I know Jorge came down and we sat in
11 about five different vehicles. And I don't -- he
12 did not do that at Schumacher. So, it probably is
13 this repair, but I can't say for certain.

14 Q So, during that time you met with somebody

15 from GM --

16 A Yes.

17 Q -- and sat in some other Hummers?

18 A Yes.

19 Q Did you feel any difference between those
20 Hummer H2's?

21 A No. Actually Jorge's words were that Mr.
22 Kodsy's is the best of the five we sat in. But we
23 did have the weights on there and that's probably
24 why it was better than the other five or four.

25 Q What about Mr. Kodsy, was he still
0559

1 complaining about the transmission shifting?

2 A I don't recall. Let me look. Yes, he
3 was. Trans shift hesitates, shifts harsh on
4 re-accell and road tested okay.

5 This is -- see, this is a six speed
6 transmission. So, it is shift busy if you're used
7 to a four speed transmission. We seen it -- it
8 first went into the Escalade and when customers came
9 out of their 2005 Escalade and went into like a
10 2007, they went from the four speed to that six
11 speed transmission and they weren't real happy with
12 it until they got used to it.

13 Q And why would that be, because it's got
14 more gears?

15 A Because it's got more gears. Think of, I
16 guess, a three speed bicycle versus a 10 speed
17 bicycle kind of thing, you know.

18 Q And you personally road tested this
19 vehicle?

20 A Yes.

21 Q And at the end of this repair visit did
22 you find anything that was abnormal remaining?

23 A No, we didn't find anything. We did put
24 the brake -- the new brake pads on.

25 Q In addition to the times you talked about
0560

1 driving Mr. Kodsy's vehicle during the repair visit
2 to Coral Cadillac, did you also ride in it on March

3 the 2nd, 2009?

4 A At Schumacher? That would be at
5 Schumacher, right?

6 Q Right.

7 A Yes, I did.

8 Q Okay. And who was with you at that
9 inspection?

10 A That was Tom Thornton and Jorge Lopez and
11 Mr. Kody.

12 Q And when you rode in the vehicle, did you
13 feel any abnormal vibration at that time?

14 A No, not at all.

15 Q And, Mr. Bardill, just for the record, so
16 the court reporter can get down both of us, just
17 wait for me to finish my question.

18 A I'm sorry.

19 Q That's all right.

20 Have you ever testified in court in trial
21 like this before?

22 A No.

23 Q Okay. Based on your experience with Mr.
24 Kody's vehicle, are there any defects in GM's
25 workmanship or materials that have not been
0561

1 repaired?

2 A No.

3 Q You talked about doing some things with
4 customer satisfaction. Can you explain what that
5 is?

6 A Well, there's a lot of times that -- that
7 a vehicle is operating as designed, but it has
8 something that the customer's not happy with. If I
9 feel we can improve upon it, we will try, you know,
10 even though there's -- it's really characteristic of
11 the vehicle. But if I can make it better, I'm gonna
12 make it better.

13 Q And in terms of trying to satisfy
14 customers, will your dealership spend time really
15 looking at vehicles?

16 A Certainly.

17 Q When you guys -- when you have a customer
18 that has repeat concerns, does that change how you
19 look at a vehicle?

20 A Yes, definitely.

21 Q Explain to the jury what that -- what you
22 would do.

23 A We have a repeat repair log. So, if a
24 customer comes back with the same concern, the
25 repair order gets stamped and it goes into -- the
0562

1 service advisor puts it into the computer and it
2 goes into a repeat repair log.

3 That makes me aware of it. I will get
4 involved personally in the vehicle, my shop foreman
5 will get involved with the vehicle and -- because
6 General Motors looks very closely obviously at
7 repeat repairs. And we do too because we don't want
8 customers coming back.

9 Q Mr. Bardill, there's been some testimony
10 about the possibility that the timing in the Hummer
11 H2 may be incorrect. Is that consistent with what
12 you found in driving the vehicle?

13 A No. Are you talking valve timing, I would
14 assume?

15 Q I believe that's correct.

16 If the timing -- if there was a timing
17 problem with the Hummer H2, would there be any
18 indication?

19 A Well, first of all, there is no adjustment
20 for timing. So, it would have to have been perhaps
21 a mis-built engine. The service engine soon light
22 would be on all the time.

23 Q If there was a problem with the way the
24 engine was built?

25 A Yes.

0563

1 Q It would -- why would the service engine
2 soon light come on?

3 A Well, it has crank sensors and cam
4 sensors. So, it's going to see an uncorrelation

5 between the two, as well as it's going to effect the
6 fuel line. So, you're going to get fuel trim codes.
7 You would get several different ETC's.

8 Q So, if there was an internal problem with
9 the engine that might be causing some timing
10 problem, it would set a trouble code?

11 A Yes, it would.

12 Q And the check engine light would come on?

13 A Yes. And I can say I've never seen that
14 ever from the factory in the 28 years. Perhaps
15 we've seen it when we've repaired -- done engine
16 repair and we're off with the cam timing slightly.
17 That's how I know that it will turn a light on.

18 Q And when the mass air flow sensor had
19 failed that first repair visit, I see on page one of
20 Exhibit 2 there's a number. It says set P0172 and
21 P0175 codes?

22 A Yes.

23 Q Are those the trouble codes you're talking
24 about?

25 A Yes, those -- those are field trim codes.
0564

1 Q And so if those codes had been set, would
2 the check engine light have come on as well?

3 A Yes, they would have.

4 Q Are those trouble codes stored in the
5 computer?

6 A Yes.

7 Q What is the purpose of those trouble
8 codes?

9 A Well, the purpose is to diagnose, for us
10 to diagnose it. It's just the most technician
11 friendly thing that ever happened. We don't have to
12 go by the seat of our pants anymore. The computer
13 in the vehicle says, this vehicle's running too
14 rich. 20 years ago you had to sit in the vehicle
15 and say, okay, this vehicle's running rich, you
16 know.

17 Q And now you have the ability through
18 diagnostic equipment to look at that?

19 A Yes.

20 Q And know for a fact whether or not it is
21 running rich?

22 A Yes.

23 Q And again, so if there was an internal
24 problem with the engine causing the timing issues,
25 there would always be a diagnostic trouble code?
0565

1 A Yes.

2 Q Would there be multiple diagnostic trouble
3 codes?

4 A Yes, most likely.

5 Q Did you find any after the mass air flow
6 sensor was repaired?

7 A No, no.

8 MR. KLEIN: If I may have a minute, your
9 Honor?

10 THE COURT: Sure.

11 MR. KLEIN: Your Honor, I don't have any
12 further questions of Mr. Bardill at this time.

13 THE COURT: Okay. Thanks.

14 Okay. Do you have any questions you'd
15 like to ask?

16 MR. KODSY: Yes, I do, your Honor.

17 THE COURT: Okay.

18 MR. KODSY: Thank you.

19 CROSS-EXAMINATION

20 BY MR. KODSY:

21 Q How you doing, Joe?

22 A Hi.

23 Q Mr. Bardill, what happened?

24 A Trimming my tree, fell off a ladder.

25 Q Excuse me?

0566

1 A Fell off a ladder trimming a tree.

2 Q You got to be more careful. Sorry it
3 happened.

4 Back to this Hummer H2, you said when you
5 got a customer that keeps coming back with the same
6 problem you call that a repeat repair?

7 A Yes, sir.

8 Q Okay. And what does that actually tell
9 you? Once it's been denied before, does that mean
10 you're excused for that alleged repair?

11 The nonconformity, is it always going to
12 be denied because you already noted it that it was
13 similar to another vehicle, as in this case?

14 A I guess are you asking would I still be
15 involved and still look at the vehicle?

16 Q Would you repair the vehicle if you've
17 already got documented similar to another?

18 A There would be nothing to repair.

19 Q Okay. So, you deny any further repairs
20 alleged similar to previously?

21 A Yes, there would be nothing -- nothing to
22 repair.

23 Q Okay. That's my point.

24 So, you would deny those repairs, you
25 would not do anything else, is that correct?

0567

1 A Yes.

2 Q Okay. As far as your testimony said
3 you -- this was your first 2008 Hummer?

4 A The first one that I drove with this
5 concern. I believe I actually even told you that as
6 we were driving.

7 Q Okay. So, it was your first 2008 Hummer
8 with a 6.2 liter?

9 A No, the first one I drove for this
10 concern. I'm not saying it's the first one I ever
11 drove for any reason. I don't know. I can't tell
12 you yes or no, but yours was the first one I ever
13 drove for that concern. And I think I even
14 commented to you about the six speed transmission,
15 you know, coming from the Escalade to the H2.

16 Q Obviously, you know, I'm a consumer. So
17 if I went out and bought --

18 THE COURT: Okay. Let's just ask
19 questions, sir, no commenting.

20 BY MR. KODSY:

21 Q So, you had never experienced that with a
22 6.2 liter engine before, is that correct --

23 A In a --

24 Q -- for vibration?

25 A In a Hummer H2. Certainly in the
0568

1 Escalades because the Escalades had it previous.

2 Q The Escalade had what?

3 A The 6.2 liter before the Hummer did.

4 Q What, that was since 2007, correct?

5 A Yes.

6 Q Okay. And this is 2008. So, it's the
7 same engine, is that correct?

8 A Yes. But we did have customers with
9 Escalades complaining of the vibration at idle until
10 they got used to it.

11 Q So it's an inherent defect, is that
12 correct?

13 A No, it's the trade off for the horsepower.
14 It's got that little vibration.

15 Q So, from the manufacturer because it's got
16 increased horsepower it's got a vibration, is that
17 correct?

18 A Well, if -- if it was a defect, as you're
19 saying a defect, we've got a lot of cars out there
20 that nobody's complaining of it.

21 Q Right. I mean, it's not obvious to
22 everybody.

23 But you're telling everybody here that
24 because we got a 6.2 liter engine with 20 horsepower
25 more than 2006, then you have that vibration, is
0569

1 that correct?

2 A No, what I'm saying is in the 6.2 liter
3 there's a 20 percent increase in horsepower, which
4 is approximately 70 horsepower, and that the
5 vibration is a characteristic of that engine.

6 Q Have you ever had any other Chevy vehicles
7 with a 6.2 liter engine?

8 A Yes.

9 Q Okay. Are they also having that vibration
10 problem?

11 A I've never had a customer complain, but we
12 are not a Chevrolet dealership.

13 Q But you have run across it before in a 6.2
14 Cadillac Escalade, is that correct?

15 A Yes.

16 Q So, allegedly your testimony states that
17 it's normal, is that correct?

18 A Yes.

19 Q Okay. Why did you take the vehicle apart
20 and do all these repairs trying to eliminate this
21 vibration that is normal?

22 A Well, like I said, first of all, we did
23 not take the vehicle apart.

24 Q You didn't?

25 A We put -- we put weights on the exhaust
0570

1 system. That engine was never disassembled.

2 Q What about disconnecting the fly wheel
3 from the engine.

4 A Okay. I do apologize. Yes, Bob Martin
5 asked us to do that, yes.

6 Q Who's Bob Martin, sir?

7 A He's the brand quality -- he was the brand
8 quality manager for Hummer at the time.

9 Q He's not now?

10 A No, he's no longer there.

11 Q Why is that?

12 THE COURT: Sorry, sir, I've already ruled
13 on it. Let's go ahead.

14 BY MR. KODSY:

15 Q Okay. So, you actually did take --
16 disconnect the engine from the fly wheel, which is
17 the transmission, is that correct?

18 A Correct.

19 Q So, you did disconnect that?

20 A Basically at that -- what we're doing
21 there is we're just isolating the engine.

22 Q Okay.

23 A So that the only thing -- the only thing
24 that could be emitting the vibration would be the
25 engine.

0571

1 Q Correct. So, if it was normal you
2 wouldn't do that though?

3 A Well, we -- at this point, remember, I
4 didn't put the -- I was still not thinking about it
5 being a 6.2 liter.

6 Q But your 2007 Escalades have had similar
7 problems and they have that 6.2 liter?

8 A Yes.

9 Q So you're already aware of this?

10 A Right, it's a normal --

11 Q And you still took this engine apart?

12 THE COURT: Wait, wait, let him talk.

13 THE WITNESS: It's a normal characteristic
14 of a 6.2. But, again, I was not thinking that
15 your vehicle had a 6.2. The six liter did not
16 idle the same as the 6.2.

17 BY MR. KODSY:

18 Q And -- all right. Never the less, you did
19 dismantle some major components on that vehicle
20 and --

21 THE COURT: Listen, this is repetitive.
22 You already said it. So, let's go on to
23 something else, something new.

24 MR. KODSY: I'm just highlighting, your
25 Honor.

0572

1 BY MR. KODSY:

2 Q Tell us about those weights that you put
3 in. Is that a factory option?

4 A No. Actually -- obviously it is a GM part
5 number. It was an application and a PI for a
6 different vehicle used years ago, but the same --
7 it's the same theory. But there is nothing in the
8 service information that suggests we try that on
9 your vehicle. That's something I took upon myself
10 to do.

11 Q Because of the vibration?

12 A Yes. Again, remember, I'm thinking that
13 it's a six liter and, again, I didn't know what the
14 firing frequencies of the engine were.

15 Q So -- all right. Then you got -- how did
16 you figure out that the vibration is normal?

17 I mean, did you do any biomechanical
18 testing? What kind of actual testing did you do to
19 make that determination?

20 A Well, unfortunately the vibration is not
21 severe enough to even be registered on the EVA,
22 which is the Electronic Vibration Analyzer.

23 Q What is it?

24 A Electronic Vibration Analyzer. It would
25 not -- we tried that on your vehicle just to give us
0573

1 some basis to score by to see if we're making an
2 improvement. Because when you're just sitting in a
3 car you may think you made an improvement, but if
4 you're already tune to that vibration, you make an
5 improvement, you're like is it better or is it not.

6 So, we hooked up the EVA to your steering
7 column and it was not even measurable. The
8 vibration was not even measurable by the Electronic
9 Vibration Analyzer. So, there was not a number we
10 could put on to see if we improved upon it or not
11 basically. So, at that point we just compared it to
12 the other 2008 and then further down the road with
13 four -- four other vehicles.

14 Q All right. Tell me about that instrument
15 that you use, sir, because I'm not familiar with it.
16 I don't think any of us is.

17 THE COURT: Just ask your questions. No
18 talking to the jury, please. Just ask
19 questions and leave it at that. Thank you.

20 BY MR. KODSY:

21 Q Tell us about that.

22 A It's a required tool by General Motors
23 that we use to diagnose vibration concerns.

24 Q Okay. And how does that register?

25 A It has a sensor that we put depending on
0574

1 the type of vibration.

2 Q Where do you put it?

3 A Again, it depends on the vibration. If
4 you're talking about vibration at highway speeds,
5 you're gonna probably put it on a seat frame.

6 In your case, you were concerned with the
7 vibration through the steering column. So, we put
8 it on the column and it would not measure it.

9 Q What's the capacity of it? From one to a
10 thousand?

11 A No.

12 Q What's the capacity?

13 A It reads in G force. It will read .003
14 G's.

15 Q What does that mean?

16 A Well, one -- a G force -- one G force is
17 the weight of your body applied one time. It's
18 reading .003. It wasn't even registering .003.
19 Basically we are not supposed to even attempt a
20 repair on a vehicle if it reads less than -- more
21 than -- unless it reads more than .006 G's.

22 Q Are you familiar with an HZ value?

23 A Hertz frequency.

24 Q Hertz frequency?

25 A Sure, certainly.

0575

1 Q You do not have that type of device, do
2 you?

3 A Yeah. Same -- same piece of equipment.
4 It measures frequency, yes.

5 Q It measures frequency?

6 A Yes. That's how we determine whether it's
7 a first tire or drive line, by the frequency.

8 Q And you're aware that the HZ is actually
9 reflective of the RPM's in the vehicle.

10 A Yes, the RPM would be a frequency.

11 Q How many RPM's to reach HZ is that?

12 A It would be 60.

13 Q 60.

14 So, what are the specs for that vehicle,
15 sir?

16 A There is no spec.

17 Q There's no specs?

18 A No.

19 Q There's no HZ frequency for that -- for
20 that vehicle or any other vehicle?

21 A No, no.

22 Q You sure about that?

23 A Yeah.

24 Q So, if it didn't register, what was the
25 RPM's on the vehicle when you inspected it?
0576

1 A I don't recall. It was idle, but I don't
2 recall.

3 Q You then put down here -- I mean, this is
4 obviously -- if it's relevant to the HZ, you
5 wouldn't document it and say to the customer, wow,
6 we did this test and it didn't register or this is
7 the amount? Did you have anything here, sir?

8 A No, I didn't have anything.

9 Q Did you write these up, these invoices?

10 A No, service technicians.

11 Q Were you the actual mechanic on this
12 truck?

13 A No. I worked with them though.

14 Q You work with them?

15 A I work with them as well --

16 Q In what way?

17 THE COURT: Wait a minute. Let him
18 finish.

19 Go ahead.

20 THE WITNESS: I work with them as well as
21 my foreman.

22 BY MR. KODSY:

23 Q As a foreman?

24 A With -- as well as my foreman. There was
25 both of us involved, as well as the technician.

0577

1 Q But you did not actually put any type of
2 measurements or reference to your alleged test, is
3 that correct?

4 A No, myself and my foreman sat in it with
5 EVA.

6 Q But there's nothing here?

7 A No, there was nothing to put in there.

8 Q You were aware that the initial complaint
9 for all these repairs was a vibration, is that
10 correct?

11 A We used the EVA at the same time we put
12 the weights on because we wanted to see if there was
13 a number that we could measure to see if we made an
14 improvement. That was the whole reason of using the
15 EVA. There was -- we wanted to get a number. So,
16 if we saw .006 and put the weights on it and it went
17 down to .003, we'd say, okay, we made an
18 improvement, instead of just going by what we felt.
19 Again, like I said, when you tune into
20 something, you may make an improvement, you may not.
21 It's hard to really tell if you made an improvement.
22 We're looking for a number. We couldn't get that
23 number. That's the only reason I used the EVA.

24 Q .003 or .006 compared to what? What does
25 that mean? What is it?

0578

1 A That's -- that's the G force. That's
2 what -- it's a measurement.

3 Q What's a G force, sir?

4 A That's what I said, one G force is --

5 Q What's a G?

6 THE COURT: Wait a minute. Just ask one
7 question at a time, please.

8 BY MR. KODSY:

9 Q Go ahead.

10 THE COURT: What's your question?

11 MR. KODSY: What is a G force?

12 THE COURT: Okay.

13 THE WITNESS: A G force -- one G force
14 would be the weight of your body against you.

15 Like if you're on a fighter jet or something,
16 you feel one G, that's your body weight one
17 time against you. Five G's is five times.

18 BY MR. KODSY:

19 Q I mean, the terminology G, what does that
20 stand for?

21 A I'm sorry, I don't know.

22 Q You're a master mechanic, sir, is that
23 correct?

24 A Yes, sir.

25 Q You don't know what you're telling me?

0579

1 A I don't know what G -- I know what G force
2 is. I don't know how to tell you what it is. I
3 don't know what it stands for.

4 Q Okay. Well, the next thing, sir, it would
5 be -- you did tell or rather stated that you had to
6 do some rust -- do some arusticator on the bottom of
7 that truck, is that right?

8 A We used 415 on it. That was strictly for
9 customer satisfaction.

10 Q So, it's not required, is that it?

11 A Yes.

12 MR. KODSY: Okay. Can I see some of the
13 exhibits?

14 MR. KLEIN: She's got the repair orders if
15 you're looking for those.

16 MR. KODSY: It's not repair orders.

17 BY MR. KODSY:

18 Q Does this look familiar to you?

19 A Yeah.

20 Q Okay. What is that?

21 A That's a window sticker.

22 Q That's a window sticker.

23 Can you tell me what it says here, sir?

24 Can you read chassis suspension on down
25 here just to the safety? And tell me, does it have

0580

1 a category in there for underbody protection?

2 A Yes, it does.

3 Q Okay. So, that truck is supposed to come
4 from the factory with underbody protection. So it's
5 not supposed to have any rust, is that correct?

6 A It does come with underbody protection.
7 That does not mean that it will not rust. It's just
8 surface rust.

9 Q Sir, when you did this repair you were
10 talking about how many miles were on that vehicle?

11 A 5,000.

12 Q Okay. 5,000 approximately. 5,224, does
13 that sound right?

14 A Right.

15 Q So, at 5,000 miles you have to do some
16 major waterproofing, is that correct?

17 A No, it wasn't waterproofing.

18 Q Well, rust --

19 THE COURT: Sir, one question at a time,
20 please.

21 THE WITNESS: It's a paint. It's a paint
22 that they use in automotive restoration. It's
23 a rust inhibiting paint.

24 BY MR. KODSY:

25 Q Yeah, I understand what you're saying,
0581

1 it's a rust inhibitive. But shouldn't that vehicle
2 already come with it already there from the factory,
3 because it says so on the sticker, is that correct?

4 A Yes, and it does.

5 Q But it wasn't -- it necessitated your
6 additional work, is that correct?

7 A It was strictly aesthetic, strictly
8 aesthetic.

9 Q What was that?

10 A Your complaint was strictly aesthetics.

11 Q Aesthetics?

12 A Yes. You didn't like the brown look on
13 certain suspension parts.

14 Q It was rust, is that correct?

15 A Yes.

16 Q Okay. So, it's not really brown, it's

17 rust?

18 A But it was aesthetic. It's not
19 functional. It didn't effect the functionality.

20 Q Isn't that truck an off road truck?

21 A Yes.

22 Q So it's made to get wet, is that correct?

23 A Yes.

24 Q So it's not supposed to have rust, is that
25 correct?

0582

1 A No. You can't prevent rust.

2 Q Okay. You tried to, right?

3 A Uh-huh.

4 Q Okay. But that's --

5 A We tried to satisfy you.

6 Q Okay. But does this sticker says
7 underbody protection?

8 A Yes, it does.

9 Q And what does that tell you?

10 What does that actually mean? Shouldn't
11 that mean that it should have --

12 A Well, the metal has a coating on it.

13 Q Excuse me?

14 A The metal has a coating on it.

15 Q So, which part did you paint?

16 A Whatever was rusting. I don't recall.

17 Whatever you were complaining --

18 Q Was it metal?

19 THE COURT: Sir, wait a minute. Let him
20 finish talking before you ask another question.
21 Go ahead.

22 THE WITNESS: I guess it was metal, yes.

23 BY MR. KODSY:

24 Q How many other vehicles did you have to
25 disconnect and try to isolate the vibration on a

0583

1 vehicle? How many other times did you do that?

2 A I don't know. I don't know.

3 Q Was that the first time?

4 A No, no definitely not, no.

5 Q Okay. So you've done that before?

6 A Yes.

7 Q And what was the end result of that?

8 A Well, it's strictly done to isolate

9 what -- where the vibration is coming from to see if
10 it's in the engine or some other place.

11 Q And if it was in the engine, what would
12 you do?

13 A In your case, it's normal characteristics.

14 Q I'm just asking you a general question.

15 If it was in the engine, what would you do?

16 A It just gives us the direction to look.

17 It's telling us it's in the engine.

18 Q And then as a remedy, what would you do?

19 A We'd proceed to diagnose it.

20 Q In what way?

21 Do you rebuild engines over there?

22 A Yes, sir.

23 Q And doesn't that void the warranty once
24 you open up the engine?

25 A No.

0584

1 Q It doesn't?

2 A We would do it -- when you say rebuild, if
3 we have an engine, a mechanical failure under
4 warranty, we have the capability to completely
5 rebuild that engine.

6 Q Do you do it there on the premises?

7 A Yes.

8 Q And isn't there a separate repair shop now
9 that's handling all that?

10 A No, never have. I've had the same --

11 Q Was it --

12 A I've had the same engine technician since
13 1996.

14 Q So, what kind of specs did you have on the
15 air and fuel ratio for that vehicle?

16 A I don't know. Remember, I wasn't involved
17 in the repair when the mass air flow sensor failed.

18 Q I mean, don't you document stuff like that

19 for the customer to say, look, you know, here's G
20 force or here's your air specs and -- don't you do
21 anything like that?

22 A Well, they documented the DTC's on the
23 ticket.

24 Q What was that?

25 A They documented the DTC's on the ticket.
0585

1 Q What is a DTC, sir?

2 A That's the trouble code, diagnostic
3 trouble code.

4 Q Okay. And if you do not have a trouble
5 code and you still have a problem, how do you
6 proceed?

7 A As far as -- we would address the problem,
8 what would the complaint be.

9 Q Okay. In this case you didn't have a
10 trouble code for the vibration, is that correct?

11 A Never had a trouble code for the
12 vibration.

13 Q Never had a trouble code?

14 A No. The vehicle was stalling when it came
15 in with a trouble code.

16 Q But yet you did add weights, allegedly you
17 added weights, you did dismantle the fly wheel from
18 the engine, and you didn't have no trouble codes, is
19 that correct?

20 A Correct.

21 Q Is it true that the oxygen sensors are the
22 ones that usually send the trouble code?

23 A No, not at all.

24 Q How is the oxygen level usually measured?

25 A By the oxygen sensor.

0586

1 Q Okay. And that will tell you the fuel and
2 air ratio, is that correct?

3 A Right. But that doesn't mean that the
4 sensor is failing. The sensor is doing its job. If
5 a sensor fails, it can't tell it's going to be fixed
6 at a certain number. That's how an oxygen sensor

7 fails.

8 Q So it won't really give you a trouble
9 code?

10 A Yes, it will because it's seeing that it's
11 not moving high and low assuming it's a fixed value.

12 Q Aren't those sensors have a wide range of
13 detecting the measurement?

14 A Yes, yes. And they -- they very seldom
15 fail anymore. It's not like years ago where they
16 failed quite frequently.

17 Q Oh, okay.

18 Isn't it true that all these new vehicles,
19 fuel injected, they have these new sensors with a
20 wide range so they don't fail very often?

21 A The sensor is only -- the sensor's like a
22 battery. It produces the voltage with the amount of
23 oxygen that's in the exhaust system. So, how the
24 oxygen sensors used to fail, is they would just get
25 to a fixed value of half a volt, that's the applied

0587

1 voltage, and there would be no change. I'm not sure
2 exactly what you're asking me.

3 Q Okay. I'm going to clarify it some more
4 for you because I don't understand what you're
5 telling me.

6 The oxygen sensor, it's a sensor, correct?

7 A Correct.

8 Q Okay. It detects what, a measurement,
9 correct?

10 A Yes, oxygen, it creates a voltage.

11 Q Correct me if I'm wrong. It's an oxygen
12 sensor, is that correct?

13 A Yes.

14 Q So that entails gas and air, is that
15 correct?

16 A Yes.

17 Q Okay. So, now, what are the -- before we
18 go further, let me ask you what's the standard for a
19 fuel injected vehicle air and fuel ratio?

20 A 14:7:1.

21 Q Okay. Perfect.

22 Now, the sensor, what is its capacity from
23 14:7 to what or where?

24 A I think you don't --

25 Q Doesn't it have a reading for that?

0588

1 A No, I think you don't quite understand how
2 it works. That -- the 14:7:1, that's what the
3 combustion engine performs best at. It's the PCM,
4 the power control module, that tries to keep the
5 fueling at 14:7:1.

6 It looks at the information that the
7 oxygen sensor's giving, as well as other
8 information, and adds or detracts injector on time.
9 And that's the fuel trim number that we get. It's
10 gonna be a plus or a minus or a zero, zero being
11 ideal, zero being 14:7:1.

12 If it's a minus number, that means the
13 computer is taking away injector pulses to keep it
14 at 14:7:1. So, you're still running at 14:7:1, but
15 the computer's adjusting the fueling to keep it at
16 14:7:1.

17 When that number gets so far out of range,
18 like about 10 percent, it's gonna turn the engine
19 light on and say, hey, we got a problem, I can't
20 keep this thing at 14:7:1.

21 Q Isn't it true that the new sensors
22 provided on all these new vehicles are -- range from
23 9:1 to 18:1?

24 A That would be --

25 Q There is no zero because obviously the

0589

1 motor wouldn't run?

2 A That would be millivolts. Sensors are in
3 millivolts. That's what you're looking at. Or a
4 lambda number. You're probably looking at a lambda
5 number.

6 Q Okay. So, what was the exact measurement
7 when inspected? Because obviously you're saying you
8 tested it, is that correct?

9 A We didn't check the oxygen sensors.

10 Q You did not?

11 A No.

12 Q You did replace the mass air flow sensor?

13 A Correct.

14 Q Okay. What -- isn't that for the air and
15 the fuel mixture?

16 A Correct.

17 Q Okay. And you did not get a measurement
18 on that?

19 A No. They didn't -- I don't know. I
20 wasn't involved in the repair. They -- that's
21 measured in grams. They didn't put it on the repair
22 order, but it's not really necessary to put it on
23 the repair order because it's going to be varying
24 with the throttle, RPM and everything else.

25 Q Right. I believe that -- okay.

0590

1 So, this was not done?

2 A No. And there really would be no reason
3 to.

4 Q And you never took it upon yourself to
5 even check it?

6 A I was not even involved. But, yeah, I
7 would have looked at it at idle to see what it was,
8 but obviously it fixed the vehicle.

9 Q Okay. If the fuel and air sensor
10 registered a 12.4, how would that vehicle run?

11 A At idle?

12 Q At idle or all times. Most likely at
13 idle.

14 A If it's reading a 12.4 at idle, it would
15 be running too rich.

16 Q Oh, rich.

17 So, would that also have a vibration?

18 A It's hard to say. It would probably be
19 chugging and blowing black smoke, stalling, you
20 know.

21 Q But it wouldn't give you a code either,
22 would it?

23 A Yes, it would have, oh, yes.

24 Q Not if the sensor is gauged for more
25 leaner and higher?

0591

1 A No, if you're reading 12.7 at idle you're
2 gonna to turn a light on.

3 Q It depends on the sensor, is that right?

4 A No. On any vehicle if you're reading 12.7
5 at idle, you're gonna turn a light on.

6 Q But you're not sure about that because you
7 haven't tested it?

8 A Haven't tested what?

9 Q You haven't done that test.

10 A I'm just --

11 Q That's not something you commonly do?

12 A When you have the mass air flow concern,
13 I'm sure they looked to see what the number was.

14 Q Who?

15 A The technician that worked on the vehicle.

16 Q Which technician was that, sir? Do you
17 have that in front of you?

18 A Yeah. Do you need his name or --

19 Q Yeah, yeah. Tell us his name and what you
20 know about him.

21 A That was Brian Penny, who was my shop
22 foreman.

23 Q He actually worked on the vehicle?

24 A Yes.

25 Q Okay. When you say he's a shop foreman,
0592

1 what kind of qualifications gives him to work on
2 anybody's vehicle?

3 A Well, he has very similar qualifications
4 to me. And actually I would say that he's more
5 skilled than I am.

6 Q And you have not gotten any type of
7 measurements from him either, is that correct?

8 A I'm sure he checked them. He didn't
9 document them on the repair order, but it really
10 wasn't necessary, as I said.

11 Q Okay. Now, to go back to your G force,
12 sir, I do not understand what G stands for.

13 THE COURT: Well, this has been covered.
14 Go on to something else. I -- you can't cover
15 the same thing more than once.

16 MR. KODSY: Well, he never answered, your
17 Honor. I was --

18 THE COURT: I'm telling you to go on.
19 Don't talk back.

20 MR. KODSY: All right.

21 BY MR. KODSY:

22 Q Did you see the weights that were placed
23 on the exhaust? Or where was that weight installed
24 at?

25 A It was installed, I believe, in the vent.

0593

1 Q Excuse me?

2 A I believe in the vent towards the front of
3 the catalytic converter, but I'm not 100 percent
4 sure. And I was involved, I just don't remember
5 exactly where they put it.

6 They put it in a place to be less -- as
7 least conspicuous (sic) as possible. It really
8 doesn't matter where you put your finger on a guitar
9 string, you're gonna stop the buzz, right?

10 Q And how does that prevent or insulate the
11 surge from coming into the cab?

12 A The surge?

13 Q Yeah, the -- you said here on page 18 --
14 page six, do you have that?

15 See at the bottom, exhaust vibration
16 engine firing pulses transferring into vehicle?

17 A Correct.

18 Q Do you see that?

19 A Correct.

20 Q Now, how did that prevent the pulses
21 transferring into vehicle?

22 A Like I explained, it's like putting your
23 finger on a guitar string. You're deadening the
24 vibration.

25 Q The vibration. But how is that

0594

1 transferring into the vehicle?

2 A Through the exhaust system, the exhaust
3 hangers, etcetera.

4 Q So, the insulation has nothing to do with
5 it?

6 A Nothing to do with what?

7 Q Insulating the engine components from the
8 cab has nothing to do with it?

9 A No, no, we didn't -- no, we did nothing to
10 modify the installation of the engine. There's
11 nothing you can do there.

12 Q Okay. So, did you attempt to open up the
13 engine chain -- timing chain cover to see if it's
14 set at the right setting?

15 A No.

16 Q Why?

17 A There would be no reason to. Like I
18 explained, you would have a DTC associated with
19 something there.

20 Q Now, as far as your brakes squeal, you
21 replaced pads, is that correct?

22 A Right.

23 Q In other words, the dealership did?

24 A It was a new designed brake pad that came
25 out, correct.

0595

1 Q And how did you come to that conclusion?

2 Here's a customer comes to you, I got squealing
3 brakes. How did you figure it out -- or was it you
4 that figured it out that somebody -- that the pads
5 need to be done?

6 A The technician would have done a service
7 bulletin check and he saw the service bulletin. He
8 basically would have --

9 Q What, replace pads?

10 A -- road tested your vehicle, heard the
11 noise from the front, looked to see if there's any
12 bulletins. He saw the bulletin, ordered the part.

13 Q Pads?

14 A Correct.

15 Q Is that normal at seven -- I mean on 5,000
16 miles?

17 A Brake squeal is across the board with
18 every manufacturer out there. You could stand out
19 by the side of the street, you're gonna hear it, you
20 know what I mean. Once they took the asbestos out
21 of brake pads, you know, it's been a fighting battle
22 for 20 years. So ...

23 Q What if it was the sensor, sir, how would
24 you determine that?

25 A What sensor?

0596

1 Q The brake sensor. Doesn't that squeal?

2 A The sensor on the pad?

3 Q It's called the electronic sensor. Let me
4 see if I have it here. I think it's in the
5 documents that were not allowed in.

6 A That would be done visually anyhow.

7 Q There's a brake sensor that is actually a
8 recall. That wouldn't cause the squealing, sir, if
9 the brake sensor was bad?

10 A I don't know what sensor you're talking
11 about, but it would be done visually anyhow. But
12 obviously --

13 Q Visually?

14 THE COURT: Let him finish, please.

15 THE WITNESS: Yes, there's a sensor wear.
16 It wears the sensor. You can see it. But you
17 would have also worn out the brake pads.

18 I mean, I don't even know why we're going
19 here. I mean, it fixed -- the new pads are out
20 there, there's a bulletin, we put them on your
21 vehicle. I don't know.

22 BY MR. KODSY:

23 Q But you did not have those pads available
24 in your shop at the time, is that correct?

25 A Correct.

0597

1 Q So, this is not something common that you
2 have a shelf full of them ready for this?

3 A It's obviously common enough that they
4 wrote a service bulletin for it. So, it obviously
5 was out there.

6 Q But when a customer came back and says, my
7 brakes still squeal, what -- what other measures did
8 you take?

9 A I only saw the one repair order to put the
10 brake pads on it.

11 Q I believe there's another order here that
12 -- well, not order, but alleged service request
13 which stated that there's still the squealing brakes
14 and nothing was done about that. Let me see if I
15 can find it.

16 Okay. Well, you didn't do any -- anything
17 besides look for a recall. However, if the customer
18 came back and said, I've still got squealing brakes
19 how would you go about it?

20 A Well, you road test the vehicle and
21 confirm that the squeal was from the brakes, front
22 or rear.

23 Q Of course, yes. Okay.

24 A And then check to see if we properly
25 lubricated all the caliper pins and that sort of
0598

1 thing.

2 Q So, when does it come to the point where
3 you need to replace a sensor?

4 A I don't even understand what sensor you're
5 talking about.

6 Q Did you resurface those rotors?

7 A I don't know. Let me check. No, sir, we
8 did not.

9 Q Okay. Doesn't have -- doesn't that have a
10 big effect on squealing as well?

11 A No, actually brake rotors do not cause a
12 brake squeal. There is a -- typically H3 rear brake
13 rotors do have something going on with them where
14 they cause a brake squeal. But typically you get a

15 brake falsation from a rotor, not a squeal.

16 Technicians sometimes resurface them and
17 sand the pads to try and repair a brake squeal
18 concern, but it really -- resurfacing the rotor
19 should never be done for a brake squeal. And
20 there's actually service bulletins telling you that.

21 Q So if the pads are squealing -- the pads
22 are squealing, is that what you're telling
23 everybody?

24 A It's the composition of the pad. The
25 brake pad -- the composition of the brake pad is
0599

1 what causes the squealing.

2 Q What does --

3 A The brake pad versus the rotor.

4 Q What does the pads rub on?

5 A The rotor.

6 Q The rotor?

7 A Right.

8 Q So, if the composition of the pad is being
9 scraped on a rotor, don't you think that the rotor
10 would need something too?

11 A No, not unless it has excessive lateral
12 runout.

13 Q Can you go to page 11, please. Do you see
14 in the middle of the page here it talks about the
15 noise vibration at IPC?

16 A Correct.

17 Q Can you tell us what IPC stands for?

18 A Yeah, that's the instrument panel. That's
19 the dash.

20 Q Okay. Tell us what this little paragraph
21 is all about.

22 MR. KLEIN: Objection; asked and answered.

23 THE COURT: Sustained. We've covered
24 this. If you've got a specific question --

25 MR. KODSY: Yes, I do.

0600

1 THE COURT: -- then go ahead and ask a
2 specific question.

3 BY MR. KODSY:

4 Q It says relocate AC high pressure hose
5 from wheel well area. That was not covered. So,
6 tell us about that.

7 A They just moved the line. I do believe I
8 covered that.

9 Q You moved the line?

10 A Pulled the line away from the wheel well.

11 Q And that was it?

12 A That's it.

13 Q And that was doing what?

14 A It's grounding out and that's what causes
15 the noise to be transmitted into the vehicle.

16 Q Okay. So it wasn't for vibration, right?

17 A No. That was the buzz noise through the
18 IPC.

19 Q Because it says here, after above repair
20 still had some vibration in the steering wheel,
21 which the above repair was the AC high pressure
22 hose. But to your opinion, it's not related?

23 A Correct, it was not related.

24 Q Now, you're familiar with Schumacher
25 Hummer?

0601

1 A Yes.

2 Q Okay. And do you know that after several
3 repairs with your dealership and still having the
4 same problem that this vehicle was at Schumacher
5 Hummer?

6 A Yes, I do know that.

7 Q Okay. Do you know what Schumacher Hummer
8 did to it?

9 A No.

10 Q If you go to page 15, can you tell us what
11 they did?

12 MR. KLEIN: Objection, your Honor, beyond
13 the scope of direct and relevance.

14 THE COURT: Overruled.

15 MR. KLEIN: The witness said he doesn't
16 know what they did.

17 THE COURT: Overruled.

18 THE WITNESS: So you'd like me to read the
19 repair order and try to explain to you what
20 they did?

21 BY MR. KODSY:

22 Q Yes. Because allegedly after the Coral
23 Cadillac repairs everything was fine and dandy --

24 THE COURT: Just -- just ask questions.

25 MR. KODSY: Yes.

0602

1 THE COURT: So, that's what you want him
2 to do, right?

3 MR. KODSY: Yes, your Honor.

4 THE COURT: Go ahead.

5 THE WITNESS: They as well road tested
6 your vehicle 45 miles an hour and up. They
7 measured a 13 hertz frequency that you were
8 speaking of earlier.

9 BY MR. KODSY:

10 Q Okay. So --

11 A That would be the first order. Tire
12 vibration at .0 -- it wouldn't be .009 G's, but they
13 have .09 G's. They checked rims of varying balance,
14 road forced the tires. They had road force
15 variation of 18, 31, 40 and 37 index three tires
16 and --

17 BY MR. KODSY:

18 Q So, what was --

19 A It's hard to --

20 Q -- the outcome of the repair?

21 A It looks -- it looks like, but I can't
22 really tell, that they maybe replaced three tires.

23 Q Okay.

24 A I'm not certain the way this is invoiced,
25 but it looks like they possibly replaced three

0603

1 tires.

2 Q Okay. Do you know why they would replace
3 three tires, sir, after leaving your shop?

4 A I know what their documentation says, but

5 obviously I don't know why other than the
6 documentation.

7 Q Can you tell us --

8 A I just did.

9 Q -- what the document really tells because
10 I didn't understand it.

11 A Well, the road force numbers were high,
12 but that is a big wheel and tire assembly. And road
13 force numbers don't always give you a vibration, but
14 they were 18, 31, 40 and 37. They were indexed and
15 down, but they felt that they needed to replace
16 them. My guess is it was probably for customer
17 satisfaction.

18 Q Can you read the top line there, what it
19 says, A?

20 A At highway speeds there is a roaring
21 and -- I guess they're trying to say hopping felt at
22 nearly all speeds.

23 Q And keep going.

24 A Road tested tire vibration 45 miles and
25 up.

0604

1 Q So, that's why they replaced the tires?

2 A That's why they put three tires on.

3 Q Okay. So it's not customer satisfaction.

4 And on page 17, can you tell me what their
5 final outcome was after they replaced the tires?

6 That was probably -- actually let me look at the
7 dates. December 8th, that's the same day.

8 Okay. The same day, after they replaced
9 the tires, what their comments were?

10 A Actually it looks like it's --

11 Q It's two pages.

12 A Right. You picked up the 3rd and then
13 this repair order's the 5th. Your complaint was at
14 idle there's a vibration felt through the truck.
15 They found -- no problem found, no DTC's or
16 bulletins.

17 Q Right. No codes.

18 A There's still a -- it says hope, but I

19 believe --

20 Q It's hop.

21 A But it says hope. There's still a hop at
22 driving over 25 miles an hour, no problem found.
23 Customer states still a hop after new tires. No
24 current bulletin for this item.

25 Q Okay.

0605

1 A That was it.

2 MR. KODSY: Thank you, sir.

3 I have no more questions, your Honor.

4 THE COURT: Okay. Thanks. Anything
5 further?

6 MR. KLEIN: Just briefly, your Honor.

7 THE COURT: Okay, sure.

8 REDIRECT EXAMINATION

9 BY MR. KLEIN:

10 Q Before we go into a little more detail,
11 the two Schumacher repair visits you just talked
12 about, those were before you saw it again
13 December 22nd, right?

14 A Yes.

15 Q And when you saw it on December 22nd you
16 confirmed everything was performing properly?

17 A Yes.

18 Q What's the normal idle RPM for a Hummer
19 H2?

20 A Well, it's gonna vary.

21 MR. KODSY: Objection, your Honor, he
22 couldn't answer that to me.

23 THE COURT: Overruled.

24 THE WITNESS: It's gonna vary with
25 compressor cycle and that sort of thing.

0606

1 You're probably gonna be about 850 in park and
2 probably somewhere in the 700, high 600's. But
3 it's gonna vary.

4 BY MR. KLEIN:

5 Q At Coral Cadillac, do you have the ability
6 to look at a vehicle by a VIN on a computer and

7 determine whether any recalls are applicable?

8 A Yes.

9 Q Have you done that with Mr. Kodsy's
10 vehicle?

11 A Yes.

12 Q Are there any recalls applicable in Mr.
13 Kodsy's vehicle?

14 A No, he has no open recalls.

15 Q Mr. Kodsy asked you a little bit about the
16 repeat repair process you discussed. What is the
17 purpose of that process?

18 A The purpose of it is to prevent that from
19 happening and gauge where we have a problem, where
20 our problem lies, get me involved, management
21 involved so that we can get the correct people
22 involved, get technical assistance involved, if need
23 be. Or also in our case we're one of 20 dealers
24 that do a conference call with the engineers on
25 Wednesdays and we'll reach out to those guys, the
0607

1 brand quality managers.

2 Q So, basically if a customer has a problem
3 and they say it still exists, it goes further up,
4 you look at it in more detail?

5 A Yes, yes.

6 Q Get more people involved?

7 A Yes. Even if it's -- even if it's deemed
8 to be a normal concern and the customer's still
9 upset, I'm gonna be involved.

10 Q And you're going to look at the vehicle?

11 A Yes.

12 Q And did you do that in Mr. Kodsy's case?

13 A Yes, I did.

14 Q Obviously Coral Cadillac is authorized to
15 do warranty repairs for General Motors?

16 A Yeah.

17 Q If you do a repair, do you get reimbursed
18 by GM?

19 A Yes.

20 Q If you find a problem with a vehicle, is

21 there ever a situation where GM would say, no, leave
22 it alone, don't fix it?

23 A No, not at all.

24 Q So, if you were to find a problem with Mr.
25 Kodsy's truck, would you have fixed it?

0608

1 A Yes, yes.

2 Q And if there had been something wrong with
3 the engine, would you have repaired that under
4 warranty?

5 A Yes, of course.

6 Q And did you find any problems with the
7 engine?

8 A No.

9 Q How many different values and
10 specifications would you get if you were to check
11 every specification on a Hummer H2?

12 A As far as the sensor specs, you would
13 need -- you would need a -- there's a list. You
14 could look at the -- there's a list and it's got the
15 sensor, the type of condition that it's operating
16 under and what value is expected to see because it's
17 so different, hot idle, cold idle, certain RPM.
18 It's always gonna be different. But there is a list
19 of service information that gives us that.

20 Q And how long --

21 A You'd have to refer to the list. Nobody
22 knows that off the top of their head.

23 Q How long would it take you to write on a
24 repair order every sensor value that was normal?

25 A First of all, who's gonna read it? It

0609

1 would take an extremely long time. And it's not
2 gonna make sense to anybody anyway.

3 Q But from a diagnostic point of view, if
4 you found an abnormal sensor reading, would you note
5 that on a repair order?

6 A Myself, probably so, if I saw something.
7 Like -- like if -- when Mr. Kodsy said 14, 14 grams
8 on a mass air flow sensor, I would certainly put

9 that in the story because it's so out of whack. If
10 it's just something you're seeing slightly out that
11 you're thinking is probably the problem, but you're
12 not sure until you put it on a vehicle, I probably
13 wouldn't put that in the story.

14 Q But if there was something significantly
15 out of whack, you would note it?

16 A Yes.

17 Q Now, you discussed road force variation
18 when you talked about the Schumacher repair orders.
19 Can you explain to the jury what road force
20 variation is?

21 A Road force variation is a deflection of
22 the side wall and it's just a number we use to
23 measure on trucks. You want it less than 30 -- I
24 believe the number's 33. I'm not a hundred percent
25 sure. And if -- if you have a high number, what you
0610

1 do is you index the wheel to the tire to try and get
2 that number down lower.

3 It's just to help us with diagnosing
4 vibration instead of just balancing tires like we
5 used to in the past. We still do the balance, but
6 we check the road force to make sure that the
7 vehicle -- the tire is able to be balanced.

8 The one drawback to road force variation
9 is the tires -- really the wheel and tire assembly
10 really needs to be hot. The vehicle really needs to
11 be driven 10 miles before you take the wheel and
12 tire assemblies off and road force them or you're
13 gonna get a skewed number.

14 Whether that's what happened here or not,
15 but I can tell that you it's very difficult to get
16 the technician to drive the vehicle 10 miles, come
17 back, check the road force and then drive it again
18 when he's done 10 miles.

19 Q Based on the road force variations written
20 down on the Schumacher repair order, would you
21 consider the tire vibration to be substantial?

22 A Based on those numbers, if the customer

23 had a vibration concern, I probably would have
24 replaced the tires.

25 Q But would you consider those numbers to be
0611

1 substantial or you would do that more for goodwill?

2 A It would be goodwill, yes. It would have
3 been customer satisfaction.

4 Q So, for instance, if you had a customer
5 that brought the vehicle in -- and I understand you
6 wouldn't normally road force them without a
7 complaint.

8 A Right.

9 Q But if you did road force those tires and
10 the customer was not complaining about any vibration
11 and you got those figures, would you replace the
12 tires?

13 A No, not at all, not at all. The road
14 force is just a tool to help you diagnose a
15 vibration concern.

16 Q Have you had customers at the dealership
17 that, you know, you've done repeat repairs and
18 confirmed there's nothing wrong with the vehicle and
19 accepted that determination?

20 A Yes.

21 Q And have you had some that refused to
22 accept that as well?

23 A Yes.

24 MR. KLEIN: I have no further questions,
25 your Honor.

Name: Sherif Kodsy
Age: 45 years
DOB: 04/27/1964
Arr. Date: 02/06/2010
Arr. Time: 20:31
Account#: 001862170
MRN: 000438469
Sex: Male
Chief Complaint: Abdominal Pain
Bed: EX6
Private MD: None
Height: 5ft. 8in.
Weight: 270Lbs
Diagnosis: Umbilical Hernia - reduced; Hypertension
Delray Medical Center
Emergency Department
Nurses Notes

Presentation:

02/06 Patient arrived by : Walk-In
20:31

am4

21:14 Presenting complaint: Patient states: umbilical area pain onset 530pm jc
no home tx. No n/v. Reports "knot in umbilical area". Communication:
Speaks Fluent English. Acuity: Less-Urgent. Method of Arrival:
walk-in without assistance. Pt Arrived From: Home. Addt'l Private
Dr(s): PCP none. Care PTA: None.

21:19 Acuity: 3-Urgent.

jc

Historical:

- Allergies: No known drug Allergies;
- Home Meds: Percocet Oral as needed(02/06/2010, 08:00);
- PMHx: Degenerative disc disease;
- PSHx: left arm and left shoulder surgeries;
- The history from nurses notes was reviewed: and I generally agree with what's documented up to this point.
- Immunization history:: Pneumococcol Vaccine: None per patient choice. Influenza Vaccine: None per patient choice. Last tetanus immunization: none per patient choice.
- Social history: Lives alone. Tobacco info : 1 ppd.

Screening:

21:17 Abuse screen Denies threats or abuse. Becks Suicide Risk Assessment jc
Information received from Patient Suicidal Thinking Present No (0
points). Nutritional screening: No deficits noted. Tuberculosis
screening: No symptoms or risk factors identified. Pandemic Influenza
Screening: Patient denies fever. Pneumonia Screening: Cough No Fever
No O2 Sat < 92% No 99 %. On Room Air Total Score Total: 0. Diarrhea
Screening Assessment: Patient denies diarrhea at time of Emergency
Department visit. Fall Risk History of Fall within 12 months- No (0
pts) Secondary Diagnosis- No (0 pts) IV/IV Access- No (0 pts)
Ambulatory Aid- None/Bed Rest/Nurse Assist (0 pts). Gait- Normal/Bed
Rest/Wheelchair (0 pts) Mental Status- Oriented to own ability (0
pts). Total Morse Fall Scale indicates No Risk (0-24 pts).

Name: Sherif Kodsy
MRN: 000438469
Account#: 001862170
Page 1 of 4

Name: Sherif Kodsy

Age: 45 years

DOB: 04/27/1964

Arr. Date: 02/06/2010

Arr. Time: 20:31

Account#: 001862170

MRN: 000438469

Sex: Male

Chief Complaint: Abdominal Pain

Bed: EX6

Private MD: None

Height: 5ft. 8in.

Weight: 270Lbs

Diagnosis: Umbilical Hernia - reduced; Hypertension

Delray Medical Center

Emergency Department

Nurses Notes

22:00 Pandemic Influenza Screening: Positive Findings: No risk factor noted ah2
in this patient.

Vital Signs:

21:17 BP 189 / 109; Pulse 74; Resp 18; Temp 98.6(O); Pulse Ox 99% on R/A; jc
Weight 270Lbs / 122.45Kg; Height 5 ft. 8 in. (172.72 cm); Pain 10/10;
23:09 BP 148 / 79 RA Sitting (auto/reg); Pulse 74 MON; Resp 18; Temp 98.4; ah2
Pulse Ox 99% on R/A; Pain 0/10;

Triage Assessment:

21:18 General: Appears in no apparent distress, Behavior is appropriate for jc
age, cooperative.

Assessment:

21:30 General: Appears in no apparent distress, comfortable, Behavior is ah2
appropriate for age, cooperative. Pain assessment: Complains of pain
in umbilical area Pain does not radiate. Pain Pain currently is 10
out of 10 on a pain scale. Quality of pain is described as sharp.
Cardiovascular: Capillary refill < 2 seconds is brisk in bilateral
Heart tones present Pulses are all present. Chest pain is denied.
Respiratory: Airway is patent Respiratory effort is even, unlabored,
Respiratory pattern is regular symmetrical, trachea is midline Breath
sounds are clear bilaterally. Denies cough, shortness of breath air
hunger. Derm: No deficits noted. EENT: No deficits noted. GI: Abdomen
is Non-distended Bowel sounds present X 4 quads. Abd is soft X 4
quads Abd is tender to palpation in umbilical area Denies
constipation, cramping, diarrhea, epigastric pain, nausea, pain,
vomiting. GU: No deficits noted. Musculoskeletal: No deficits noted.
Neuro: Level of Consciousness is awake, alert, Oriented to person,
place, time, Gait is steady, Speech is normal, Denies weakness,
blurred vision, dizziness, difficulty swallowing, paresthesias,
numbness, headache.

22:01 General: Appears in no apparent distress, comfortable, Behavior is ah2
appropriate for age, cooperative. Pain assessment: Denies pain. GI:
Denies pain.

23:10 General: Appears in no apparent distress, comfortable, Behavior is ah2

Name: Sherif Kodsy

MRN: 000438469

Account#: 001862170

Page 2 of 4

Age: 45 years
DOB: 04/27/1964
Arr. Date: 02/06/2010
Arr. Time: 20:31
Account#: 001862170
MRN: 000438469
Sex: Male
Chief Complaint: Abdominal Pain
Bed: EX6
Private MD: None
Height: 5ft. 8in.
Weight: 270Lbs
Diagnosis: Umbilical Hernia - reduced; Hypertension
Delray Medical Center
Emergency Department
Nurses Notes

appropriate for age, cooperative. Pain assessment: Denies pain. GI:
Denies diarrhea, nausea, pain, vomiting.

Pain:

21:18 Complains of pain in umbilical area. Pain does not radiate. Pain currently is 10 out of 10 on a pain scale. Quality of pain is described as sharp. Pain began suddenly. Is continuous. Current management - is no interventions. jc

Interventions:

21:18 Patient/family/visitor instructed to inform triage nurse or staff member for worsening symptoms or perceived change in condition. I.D. band placed on Patient placed in exam room. on stretcher in view of nurse Patient notified of wait time. jc
22:00 Patient has correct arm band on for positive identification. Bed in low position. Call light in reach. Placed in gown. Side rails up X2. ah2
23:09 Critical Lab Value Not Applicable - No critical results reported on this pt. ah2

Observations:

20:31 Patient arrived in ED. am4
20:31 Patient moved to Waiting. am4
20:32 Patient name changed from sherif^^kodsky to Sherif^^Kodsy. am4
21:19 Patient moved to EX6. jc
21:19 Patient visited by Call, Jason, RN. jc
21:19 Hom, Andrew, RN is Primary Nurse. ah2
21:30 STURM, DAVID, MD is Attending Physician. ds2
21:30 ds2
21:30 Patient visited by STURM, DAVID, MD. ds2
22:01 Patient visited by Hom, Andrew, RN. ah2
22:46 Breslaw, Ralph, MD is Referral Physician. ds2
22:46 Gorokhovsky, Diana, DO is Referral Physician. ds2
23:10 Patient visited by Hom, Andrew, RN. ah2

Outcome:

22:46 Discharge ordered by MD. ds2

Name: Sherif Kodsy
MRN: 000438469
Account#: 001862170
Page 3 of 4

Age: 45 years

DOB: 04/27/1964

Arr. Date: 02/06/2010

Arr. Time: 20:31

Account#: 001862170

MRN: 000438469

Sex: Male

Chief Complaint: Abdominal Pain

Bed: EX6

Private MD: None

Height: 5ft. 8in.

Weight: 270lbs

Diagnosis: Umbilical Hernia - reduced; Hypertension

Delray Medical Center

Emergency Department

Nurses Notes

23:10 Discharged to home ambulatory. Home Med Reconciliation Not reviewed ah2
With Physician at this time. Instructed on benefits of quitting
smoking and/or risks of second hand smoke for non smokers. diet:
discharge instructions, follow up and referral plans. Pain control
measures safety practices, Discharge instructions given to patient,
Demonstrated understanding of instructions. IV Infusions No IV fluids
given to patient. Pain assessment: Denies pain.

23:11 Patient left the ED. ah2

Signatures:

Call, Jason, RN

RN jc

Munoz, Adela

am4

Hom, Andrew, RN

RN ah2

STURM, DAVID, MD

MD ds2

Corrections: (The following items were deleted from the chart)

21:17 21:14 Allergies: No known drug Allergies; jc

jc

21:17 21:14 PMHx: Degenerative disc disease; jc

jc

21:17 21:14 PSHx: left arm and left shoulder surgeries; jc

jc

Name: Sherif Kodsy

MRN: 000438469

Account#: 001862170

Page 4 of 4

Delray Diagnostics

101 N W 1st Ave
Delray Beach, FL 33444

Phone: 561-272-4770
Fax: 561-272-0811

To : CARL SALVATI, M.D.
13455 MILITARY TRAIL SUITE A
DELRAY BEACH, FL 33484
Fax: 561-495-5161

Name: SHERIF KODSY

MRN #: DD002378

Exam Start: 10/31/08 11:54 am

Phone: 561-737-8998

DOB: 04/27/1964

Gender: Male

Exam:

CPT Code(s):

MRI of the Brain With and Without Contrast

70553 - MAGNETIC RESONANCE (EG, PROTON) IMAGING, BRAIN (INCLUDING BRAIN STEM); WITHOUT CONTRAST MATERIAL, FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SEQUENC

Laterality:

Clinical:

HEADACHES

PROCEDURE: This study consists of a variety of pulse sequences acquired in multiple imaging planes which include the entire brain and upper cervical spine. Axial and coronal images were obtained both before and after intravenous contrast administration.

FINDINGS: Exam of the brain demonstrates a normal size and configuration of the ventricular system with no evidence of intracranial mass effect or hydrocephalus. Subarachnoid cisterns and cortical sulci are normal in size as well.

The brain parenchyma is entirely normal in appearance with no evidence of mass effect or alteration of signal intensity. The brain stem and cerebellum appear normal as well. Following intravenous contrast infusion, there are no abnormal areas of contrast enhancement within the brain.

Normal flow voids are demonstrated within the intracranial, vertebrobasilar, and carotid circulations.

Exam of the mastoids is normal. There is evidence of mucosal thickening and fluid levels of the paranasal sinuses. The orbits and optic nerves are well visualized and are normal in appearance. The pituitary is also normal in size and configuration. Both internal auditory canals have a normal symmetric appearance.

CONCLUSION: Sinusitis.

Otherwise normal MR examination of the brain with and without contrast enhancement.

Interpreting Radiologist

James V. G. Felt, MD

Delray Diagnostics

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Delray Beach, FL 33444

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To: FARHAN SIDDIQUI, MD
16244 MILITARY TRAIL #650 DELRAY BEACH, FL

Fax: 561-638-8874

Name: SHERIF KODSY

Phone: 561-737-8998

NIN: 00002378

DOB: 04/27/1964

Exam Start: 8/26/08 2:17 pm

Gender: Male

Exam:

MR1 of the Lumbar Spine

CPT Code(s):

72148 - MAGNETIC RESONANCE (EG, PROTON) IMAGING, SPINAL CANAL AND
CONTENTS, LUMBAR, WITHOUT CONTRAST MATERIAL

Laterality:

Clinical:

LUMBAR S/S, SP MVA

INDICATIONS: This patient has low back pain and lower extremity radiculopathy.

PROCEDURE: Sagittal and axial images were produced following a coronal scout series. The pulse sequences were designed to emphasize T1, T2 and proton density characteristic of tissue. The analysis is spin-echo.

FINDINGS:

Vertebral bodies T12 through S2 are studied. The vertebral bodies are well-maintained in vertical height and have normal signal characteristics on T1 and T2 imaging parameters. The study is negative for fracture. There is no evidence of paravertebral mass or paravertebral soft tissue swelling. The aorta, vena cava and adjacent tissues are normal.

No evidence of soft tissue hematoma or soft tissue mass.

Normal signal is demonstrated within the distal thoracic cord and the conus. The nerve roots of the cauda equina flow freely in the normal thecal sac. No abnormal T2 signal from the distal spinal canal.

T12-L1 interspace is normal. The disc is well hydrated and confined to the intervertebral space. No elevation of the posterior longitudinal ligament and no foraminal compromise.

At L1-L2, there is a normal disc with normal signal on T2 analysis. No identifiable disc herniation at this level. The facet joints, thecal sac and foramen are normal.

At L2-L3, the vertebral body endplates are uniform and the disc is well-maintained in vertical heel-to-shin and in signal characteristics. No compression or displacement of the exiting nerve roots and no elevation of the posterior longitudinal ligament.

At L3-L4, the intervertebral disc is herniated. This herniation is broad-based and central. The posterior longitudinal ligament is elevated and there is impression on the dural sac. No foraminal stenosis.

At L4-L5, there are normal foramen, normal thecal sac and normal posterior longitudinal ligament. No herniation.

At L5-S1, there is concentric disc bulging. No foraminal compromise or thecal sac stenosis.

The upper sacral segments are normal. No evidence of sacral cyst, Tarlov cyst or any other pathology.

CONCLUSION:

- 1 Broad-based central disc herniation at L4/L5
- 2 Bulging disc at L4/L5

IVZ film

Interpreting Radiologist

James V. Zeich, MD

James V. Zeich MD

Electronically Signed 9/10/08 6:09 am

Thank you for referring SHERIF KODSY to Delray Diagnostics.

Printed 9/10/2008 3:12 pm

KODSY SHERIF (Exam 91404)

Page 3 of 3

Delray Diagnostics

101 N W 1st Ave
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To : CARL SALVATI, M.D.
13455 MILITARY TRAIL SUITE A
DELRAY BEACH, FL 33484
Fax: 561-495-5191

Name: SHERIF KODSY Phone: 561-737-8998
MRN #: DD002378 DOB: 04/27/1964
Exam Start: 9/26/08 2:27 pm Gender: Male

Exam: CT of the Pelvis
CPT Code(s): 72192 - COMPUTED TOMOGRAPHY, PELVIS; WITHOUT CONTRAST MATERIAL
Laterality:
Clinical: TRAUMA, MVA GROIN PAIN INTO LT LEG

INDICATIONS: Abdominal pain

PROCEDURE: Multi-slice thin axial images were obtained through the pelvis. No contrast was administered.

FINDINGS: The visualized bowel and associated bowel mesentery are normal. No free fluid is noted within the pelvis. No inguinal lymphadenopathy is identified. No masses are present. Prostatic calcifications are noted. The visualized osseous structures are intact without lytic or blastic lesions.

CONCLUSION: Bilateral inguinal lymphadenopathy. Otherwise normal CT of the abdomen and pelvis.

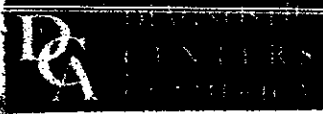
Interpreting Radiologist

James V. Zelch, MD

James V. Zelch, MD

Electronically Signed: 9/26/08 11:02 pm

Thank you for referring SHERIF KODSY to Delray Diagnostics.



Delray Location: 6300 Linton Blvd., Delray Beach, FL 33484 • (P) 561.496.6935 (F) 561.496.6934
Boca Raton Location: 4000 Boynton Beach Blvd., Suite 140, Boca Raton, FL 33437 • (P) 561.736.3227 (F) 561.434.0000
Medical Director: Daniel E. Rabinov, M.D.
Outpatient: Dean Radiology Group

Patient Name: Sherif Kadey **DOB:** 04/27/1964 **Phone:** (561) 737-8998
Referring Physician: Jeffrey A. Zipper **Fax:** (561) 495-3377

Date of Exam: 04/16/09 **PH:** 86218 **BOYN:** 267499

MRI left knee.

HISTORY: Pain and swelling. Meniscal tear.

MR technique: T1 weighted and fat suppressed Turbo T2 weighted 4mm coronal sections, PD and fat suppressed Turbo T2 weighted sagittal and Turbo PD weighted axial sections were obtained.

FINDINGS:

There is small joint effusion. There is edema within the prepatellar and infrapatellar subcutaneous tissues extending about the medial and lateral margins of the knee. There is also edema and thickening along the MCL consistent with a strain or partial tear. No full thickness disruption. Anterior posterior cruciate and lateral collateral ligaments intact.

Lateral meniscus demonstrates no morphology and signal characteristics.

There is a horizontal oblique tear within the posterior horn medial meniscus extending to the anterior articular surface. Preservation articular cartilage within all 3 compartments. No evidence for occult fracture or bone bruise. Small osteoarthritis arises from the supracondylar region medial femoral condyle.

IMPRESSION:

1. Strain/ partial tear MCL.
2. Torn posterior horn medial meniscus.
3. Small joint effusion with subcutaneous edema.

Electronically signed by: JOSEPH KLEINMAN, M.D. on 4/16/2009 4:23 PM

Delray Diagnostics

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To : CARL SALVATI, M.D.
13455 MILITARY TRAIL SUITE A
DELRAY BEACH, FL 33484
Fax: 561-495-5191

Name: SHERIF KODSY Phone: 561-737-8998
MRN #: DD002378 DOB: 04/27/1964
Exam Start: 11/12/08 8:38 pm Gender: Male

Exam: MRI of the Cervical Spine
CPT Code(s): 72141 - MAGNETIC RESONANCE (EG, PROTON) IMAGING, SPINAL CANAL AND CONTENTS, CERVICAL; WITHOUT CONTRAST MATERIAL

Laterality:
Clinical: **723.4** NECK PAIN, RADICULOPATHY S/P MVA

INDICATIONS: This patient has neck pain and upper extremity radiculopathy.

PROCEDURE: A coronal scout series was followed by T1, proton density and T2 weighted imaging sequences in sagittal and axial planes.

FINDINGS:

All vertebral bodies are well maintained in vertical height and have normal signal characteristics. No evidence of fracture or marrow replacement disease. The soft tissues adjacent to the cervical vertebral bodies are normal. No evidence of anterior/paraspinal mass and no paravertebral abnormal process. There are no hemorrhages and no fluid collections.

The spinal canal is normal in appearance with ample subarachnoid fluid surrounding the spinal cord.

Each foramen is widely patent with normal nerve roots traversing the foramen. The lateral recesses are clear at each cervical level.

At C2-C3, there is a normal disc and a normal vertebral segment. No evidence of cord compression or compression/displacement of the exiting nerve root.

At C3-C4, there is a right central disc herniation and right foramen stenosis.

At C4-C5, the thecal sac and nerve root are widely patent. No evidence of cord compression or compression/displacement of the exiting nerve root at this level.

At C5-C6, there is a focal midline disc herniation. There is impression on the dural sac but no cord compression or foramen stenosis.

At C6-C7, there is a left central disc herniation and left foramen stenosis.

At C7-T1, the thecal sac and foramen are widely patent and there is no evidence of cord compression or displacement of the exiting nerve root.

All other aspects of this study are normal.

CONCLUSION:

1. Right central disc herniation at C3-C4.
2. Midline disc herniation at C5-C6.
3. Left central disc herniation at C6-C7.

JVZ/bt:mj

Interpreting Radiologist

James V. Zelch, MD

James V. Zelch, MD

Electronically Signed: 11/13/08 4:52 pm

Thank you for referring SHERIF KODSY to Delray Diagnostics.